

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

Norberto Nunez  
Kennia I. Nunez

Case No.:

16-25829

Judge:

JNP

Chapter:

13

Debtor(s)

**Chapter 13 Plan and Motions**

<input type="checkbox"/> Original	<input checked="" type="checkbox"/> Modified/Notice Required	<input type="checkbox"/> Discharge Sought
<input checked="" type="checkbox"/> Motions Included	<input type="checkbox"/> Modified/No Notice Required	<input checked="" type="checkbox"/> No Discharge Sought

Date: 12/27/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 390.00 per month to the Chapter 13 Trustee, starting on 01/01/2017 for approximately 56 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings  
 Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d.  The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e.  Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Office of Francis P. Cullari	Counsel Fee	\$2,700.00
City of Pleasantville	Taxes and certain other debt	\$592.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Capital One Auto Finance	2015 Kia Optima	\$4,884.00	0	\$4,884.00	\$542.31
M&T Bank	206 Doughty Rd. Pleaseantville, NJ	\$6,172.91	0	\$6,172.91	\$1,233.31

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the “Value of the Creditor Interest in Collateral,” plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having “NO VALUE” it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
AmeriCredit/GM Financial	2007 Chevrolet Tahoe	\$14,800.00	\$6,674.00

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
 Not less than \_\_\_\_\_ 100 percent  
 *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
US Dept. of Housing & Urban Development	206 Doughty Rd., Pleasantville, NJ	Second mortgage	\$58,478.81	\$82,000.00	0	\$191,249.25	\$58,478.81

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

#### Part 8: Other Plan Provisions

##### a. Vesting of Property of the Estate

Upon confirmation  
 Upon discharge

##### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

##### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Priority claims
- 3) Secured claims
- 4) Unsecured claims

##### d. Post-Petition Claims

The Trustee  is,  is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

#### Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 11/07/2016.

Explain below **why** the plan is being modified:

Debtors will now surrender the 2007 Chevrolet Tahoe and avoid the US Department of Housing and Urban Development.

Explain below **how** the plan is being modified:

Debtors will now surrender the 2007 Chevrolet Tahoe, avoid the US Department of Housing and Urban Development, and reamortize the current claims filed over the next 56 months.

Are Schedules I and J being filed simultaneously with this Modified Plan?  Yes  No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 12/27/2016

/s/ Francis P. Cullari

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 12/27/2016

/s/ Norberto Nunez

Debtor

Date: 12/27/2016

/s/ Kennia I. Nunez

Joint Debtor

Certificate of Notice Page 8 of 9  
United States Bankruptcy Court  
District of New JerseyIn re:  
Norberto Nunez  
Kennia I Nunez  
DebtorsCase No. 16-25829-JNP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 25

Date Rcvd: Jan 04, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 06, 2017.

db/jdb +Norberto Nunez, Kennia I Nunez, 206 Doughty Road, Pleasantville, NJ 08232-3428  
 cr +AmeriCredit Financial Services, Inc., d/b/a GM Fin, 4000 Embarcadero Dr.,  
 Arlington, TX 76014-4101  
 516368228 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,  
 Arlington, TX 76096-3853  
 516365136 +AmeriCredit Financial Services, Inc., dba GM Finan, P O Box 183853,  
 Arlington, TX 76096-3853  
 516345140 +AmeriCredit/GM Financial, Po Box 183583, Arlington, TX 76096-3583  
 516345141 +Capital One, Po Box 30285, Salt Lake City, UT 84130-0285  
 516385141 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 516345144 +City of Pleasantville, Attn.: Tax Collector, 18 N. First Street,  
 Pleasantville, NJ 08232-2647  
 516345145 +Comenity Bank/Victoria Secret, PO Box 182125, Columbus, OH 43218-2125  
 516345148 M&T Bank, PO Box 1288, Buffalo, NY 14221  
 516393113 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011  
 516345149 +Mariner Finance, PO Box 44850, Nottingham, MD 21236-6850  
 516364680 +U.S. Dept of Housing & Urban Development, 451 7th Street S.W., Washington, DC 20410-0002

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 04 2017 23:44:21 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 04 2017 23:44:18 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516345138 E-mail/Text: mary.stewart@abcofcu.org Jan 04 2017 23:45:04 Abco Federal Cr Union,  
 Po Box 247, Rancocas, NJ 08073-0247  
 516359133 E-mail/PDF: EBN\_AIS@AMERICANINFO SOURCE.COM Jan 04 2017 23:52:38  
 American InfoSource LP as agent for, T Mobile/T-Mobile USA Inc, PO Box 248848,  
 Oklahoma City, OK 73124-8848  
 516354146 E-mail/PDF: acg.acg.ebn@americaninfosource.com Jan 04 2017 23:41:28  
 Capital One Auto Finance, c/o Ascension Capital Group, P.O. Box 201347,  
 Arlington, TX 76006-1347  
 516425561 E-mail/PDF: acg.acg.ebn@americaninfosource.com Jan 04 2017 23:41:28  
 Capital One Auto Finance, PO Box 165028, Irving, TX 75016-5028  
 516345143 E-mail/PDF: AIS.COAF.EBN@americaninfosource.com Jan 04 2017 23:47:24  
 Capital One Auto Finance, 7933 Preston Road, Plano, TX 75024-2302  
 516345146 E-mail/Text: bankruptcynotices@dcicollect.com Jan 04 2017 23:44:55 Diversified Consultant,  
 PO Box 551268, Jacksonville, FL 32255-1268  
 516345147 E-mail/Text: bankruptcyc@icsystem.com Jan 04 2017 23:44:54 IC Systems, Inc., PO Box 64378,  
 Saint Paul, MN 55164-0378  
 516385967 E-mail/Text: camanagement@mtb.com Jan 04 2017 23:44:07 M&T Bank, P.O. Box 840,  
 Buffalo, NY 14240-0840  
 516354299 E-mail/Text: bnc-quantum@quantum3group.com Jan 04 2017 23:44:11  
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
 516345150 E-mail/PDF: gecscedi@recoverycorp.com Jan 04 2017 23:41:35 Synchrony Bank/WalMart,  
 PO Box 103104, Roswell, GA 30076-9104

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516345139\* +Abco Federal Cr Union, Po Box 247, Rancocas, NJ 08073-0247  
 516345142\* +Capital One, Po Box 30285, Salt Lake City, UT 84130-0285

TOTALS: 0, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 06, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 25

Date Rcvd: Jan 04, 2017

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 27, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Lakeview Loan Servicing, LLC dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Francis P. Cullari on behalf of Joint Debtor Kennia I Nunez cullari@comcast.net  
Francis P. Cullari on behalf of Debtor Norberto Nunez cullari@comcast.net  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
John R. Morton, Jr. on behalf of Creditor Americredit Financial Services, Inc., d/b/a GM Financial mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com;mhazlett@mortoncraig.com  
TOTAL: 5